

Entered - 07/19/01 - sb
CL01L0458 - DIANNE C. MITCHELL

01- *L*-1251

CLAIM OF: **PPG AUTO GLASS,**
through its insurance carrier,
GE Capital Fleet Services
Three Capital Drive
Eden Prairie, MN 55344

For damages alleged to have been sustained as a result of a vehicular accident on April 24, 2000 at Interstate 75/85 and Martin Luther King, Jr. Drive.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSED BY
CITY COUNCIL SEP 04 2001

ADVERSE REPORT

PUBLIC SAFETY &

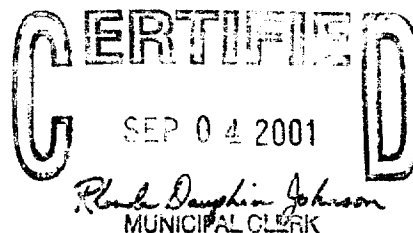
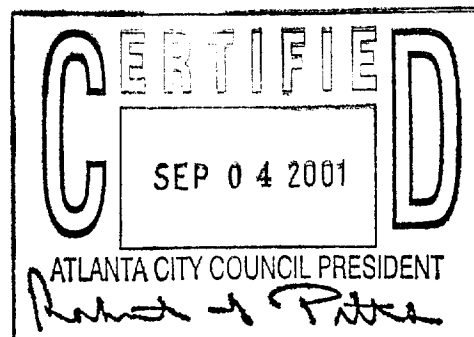
LEGAL ADMINISTRATION COMMITTEE

DATE: SEP 04 2001

CHAIR: *C. J. Martin*

[Signature]

Clara Henderson





**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103**

September 12, 2001

GE Capital Fleet Services
Insurance carrier
Attn: Jesse Montgomery
Three Capital Fleet Services
Eden Prairie, MN 55344

01-R-1251

RE: PPG Auto Glass

Dear Mr. Montgomery:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on September 04, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0129

Date: August 1, 2001

Claimant /Victim MR. AND MRS. JAMES CALDWELL AND JAMES CALDWELL, JR.

BY: (Atty) Richard W. Hendrix

Address: 225 Peachtree Street, NE, 1700 South Tower, Atlanta, Georgia 30303

Subrogation: Claim for Property damage \$ Bodily Injury \$ **Not Stated**

Date of Notice: 02/19/01 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 11/26/00 Place: Atlanta Civic Center

Department PRCA Division: Cultural Affairs

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimants allege their son, James Caldwell, Jr. was injured when he fell into the orchestra pit at the Atlanta Civic Center. The claimants have filed a lawsuit to resolve the issues raised in their claim.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police Dept Report X Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

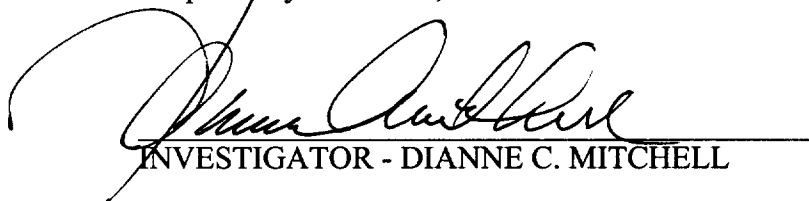
Improper Notice More than Six Months Other X Damages reasonable

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01

Claims Manager:  Concur/date 08-01-01

Committee Action: Council Action

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0458

Date: July 30, 2001

Claimant /Victim PPG AUTO GLASS
BY: (Ins. Co.) GE Capital Fleet Services
Address: Three Capital Drive, Eden Prairie, MN 55344
Subrogation: X Claim for Property damage \$ 1,927.49 Bodily Injury \$ _____
Date of Notice: 07/19/01 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) _____
Date of Occurrence 04/24/01 Place: Interstate 75/85 and Martin Luther King, Jr. Drive
Department Fire Division: _____
Employee involved David A. McLane Disciplinary Action: No Action Taken

NATURE OF CLAIM: The driver of another vehicle changed lanes improperly, struck the City vehicle, who was then forced out of his lane and struck the claimant's vehicle. The investigation determined that the driver of the City vehicle was not a fault for this accident. Furthermore, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, the six month statute of limitations expired prior to receipt of the claim.

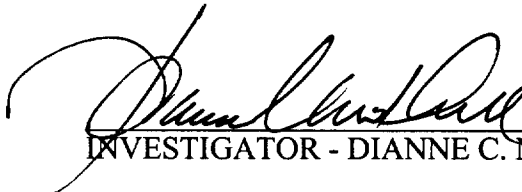
INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police X Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____


BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months X Other X Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 08-01-01
Committee Action: _____ Council Action _____



GE Capital
Fleet Services

Three Capital Drive, Eden Prairie, MN 55344
952 828 1000

June 27, 2001

CITY OF ATLANTA DEPARTMENT OF FIRE
ATTN: AUTO CLAIMS DEPT
675 PONCE DE LEON AVE, 2ND FLR
ATLANTA, GA 30308
US

M. F. Hill
07/19/01
DM

ENTERED - 7-19-01 - SB
01L0458 - DIANNE MITCHELL

RE: Our Claim Number: 11405
Our Client: PPG AUTO GLASS
Date of Loss: 04/24/2000

We have been retained to represent the interest of PPG AUTO GLASS. Our records show you are responsible for damages in the amount of \$ 1,927.49 as a result of the incident which occurred on 04/24/2000.

If you were insured on 04/24/2000, please have your insurance company contact us without further delay. You may also complete the bottom portion of this letter and return it to our office at the address above. If you were not insured, kindly forward payment for this loss to GE Capital Fleet Services, Attention: Accident Services Subrogation Department, PO Box 44835 - Eden Prairie, MN 55344-9551. You may also telephone us at 1-800-295-7976, and refer to your GECFS Claim #: 11405 to discuss suitable payment arrangements.

You must notify GE Capital Fleet Services within 30 days of receipt of this letter that you dispute this claim or any portion thereof, or we will assume this claim to be valid. If you notify us of your dispute in writing within 30 days of this notice, documentation of this claim will be forward to you for verification. The purpose of this letter is to validate and collect a claim. All information obtained will be used to collect the claim.

Sincerely,

Jesse Montgomery

Subrogation Specialist, PH # 800-295-7976 Fax # 952-828-1089
P4010

INSURANCE CO _____
ADDRESS _____
PHONE# _____ AGENT/ADJUSTER _____
POLICY#/CLAIM# _____ REPORTED? YES OR NO

01-R-1251

RCS# 3092
9/04/01
3:36 PM

Atlanta City Council

Regular Session

MULTIPLE

Public Safety Consent Agenda except #15

1251

ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

MULTIPLE